

### **REMARKS/ARGUMENTS**

Claims 1 to 6 and 8 to 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Manley et al., U.S. Patent No. 5,186,443, in view of Brooke et al., Great Britain Patent No. 2,032,889. Claim 17 is allowed. Claim 7 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form

Reconsideration of the application is respectfully requested.

#### **35 U.S.C. §103(a) Rejections**

Claims 1 to 6 and 8 to 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Manley et al., U.S. Patent No. 5,186,443, in view of Brooke et al., Great Britain Patent No. 2,032,889.

Manley et al. shows a pocket newspaper collator. As a pocket 56 opens, a newspaper 28 is delivered by being dropped from the pocket downwardly to the gripper conveyor assembly 32 (Figs. 7-10). See col. 3, lines 54 to 56.

Brooke et al. shows a sheet stacking apparatus. "In order to reduce the effects of friction and electrostatic drag between the stack and the support surface 102 during set ejection, the latter is perforated with an array of apertures 121 through which, during set ejection, air is blown from plenum 122 supplied with air under pressure through line 123." See page 3, lines 105 to 110.

It is agreed that Manley et al. shows moving pockets – applicants never stated otherwise. However, Brooke et al. is for a simple stationary stack supporting area. It is respectfully submitted that one of skill in the art would not have added air to moving pockets in view of Brooke et al. Even if a prima facie case of obviousness exists (which it is respectfully submitted it does not), applicants rebut this. As the Examiner stated "there is [a] long known problem of friction between the paper and pocket wall adversely affecting the gravity drop." (First Office Action Page 3). Thus, the Examiner properly states that there is a long felt need for solving this friction problem in moving pockets. See MPEP 716.04.

Brooke's disclosure on stationary sheet stackers has been known since 1980, or over 25 years. However, no one until the present invention was able to solve the long felt problem of

friction on moving pockets. Thus, it is respectfully submitted that any prima facie case of non-obviousness has been rebutted.

Withdrawal of the rejection to claims 1 to 6 and 8 to 15 is respectfully requested.

**Allowable Subject Matter**

Claim 17 is allowed.


Claim 7 was objected to as being dependent upon a rejected base claim but was indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In light of the above, withdrawal of the objections to claim 8 is respectfully requested.

**CONCLUSION**

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,  
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

William C. Gehris  
Reg. No. 38,156

Davidson, Davidson & Kappel, LLC  
485 Seventh Avenue  
New York, New York 10018  
(212) 736-1940